Single Bench

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. OF 2004

BETWEEN

Smt. Gati W/o Jageshar, aged about 32 years, resident of village Dumardih, District Ambikapur (CG).

PETITIONER

A N D

1. The Board of Revenue, Chhattisgarh, Bilaspur (CG).

2. The Collector, Surguja (CG).

3. The Sub Divisional Officer (R), Ambikapur District Surguja.

4. Sukh Ram S/o Sukh Sen, resident of Village Dumardih, Tehsil Ambikapur, District Surguja.

RESPONDENTS

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WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioner

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(46)

आदेश पत्रक

मामला क्रमांक WP 4597/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.01.2005 Shri H.S. Patel, counsel for the petitioner. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 2.11.2004 (Annexure P-1) passed by respondent No.1- Board of Revenue whereby the petitioner's application for staying the order dated 27.9.2004 (Annexure P-3) passed by respondent No.2- Collector, Sarguja was rejected. Brief facts leading to filing of this petitioner, as mentioned in the petition, are that the petitioner herein purchased the land in question from respondent No.4 vide sale-deed dated 26.12.1969 after obtaining permission from the Additional Collector as per provisions of Section 165 (6) of Land Revenue Code, 1959. However, respondent No.4 made a complaint before the Sub Divisional Officer (Revenue), Ambikapur stating that in the year 1969 he was minor aged about 14-15 years and the petitioner herein got the permission from the Collector for selling the land in question by impersonating respondent No.4 herein that is some other person appeared before the Collector in the name of respondent No.4. He further stated in the complaint that the land in question is in possession of the non-applicants, therefore, they may be directed to hand over the possession to respondent No.4. On the complaint of respondent No.4 an enquiry was instituted and after hearing the parties, learned S.D.O. rejected the	

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

application of respondent No.4, against which respondent No.4 preferred an appeal before respondent No.2-Collector, Sarguja, who vide order dated 27.9.2004 allowed the appeal and ordered for restoration of possession of the land in question to respondent No.4. Aggrieved therewith the petitioner herein moved a revision petition before respondent No.1- Board of Revenue and during the pendency of revision petition, stay application filed by the petitioner herein has been rejected vide impugned order, against which the petitioner has preferred this petition.

Learned counsel for the petitioner argued that the petitioner along with other legal heirs of Late Roopsai are in possession of the land in question since 1969 i.e. from the date of purchase of land through a registered sale deed after obtaining permission from the Collector under Section 165(6) of the Land Revenue Code, 1959 and if the stay is not granted then the land in question will be reverted back to respondent No.4 and their whole purpose of filing revision before respondent No.1 will be defeated. He further submitted that the order passed by the Collector is prima-facie illegal, if the Collector was not satisfied that the sale deed was not executed after paying money to respondent No.4 or permission was obtained by impersonating respondent No.4, in that case at the most, the Collector ought to have remanded back the case to respondent No.3- Sub Divisional Officer for enquiry and further directed him to pass the order in accordance with law after enquiring into the allegations made by respondent No.4 herein.

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In the circumstances, learned counsel for the petitioner submitted that the Revenue Board may be directed to decide the revision petition of the petitioner within a period of three months, so that the petitioner can take steps in accordance with law.

Prayer made by learned counsel for the petitioner appears to be just and proper. Therefore, looking to the facts and circumstances of the case, instead of passing any order on merit against the impugned order respondent No.1 is directed to expedite the hearing of revision and try to dispose of the same as early as possible not later than three months. Till then the petitioner herein should not be disturbed from her possession.

With above observation and direction, the petition stands disposed of.

Consequently, M.W.P. No.4921/04 & I.A. No.9176/04 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Roshan/-

[पीछे देखिये